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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA, )

8 Plaintiff, )

9 vs. )

10 ROBERT BAKER, JR, )

11 Defendant. )

Case No.: 2:10-CR-00119-KJD-GWF

**Motion to Reduce Term of  
Imprisonment to Time Served**

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13 **COMES NOW** the United States of America, by the Acting Director of the  
14 Federal Bureau of Prisons and through the undersigned United States Attorney, and respectfully  
15 moves the Court pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), to modify the defendant's term of  
16 imprisonment to time served. In support hereof, the United States and the Acting Director of the  
17 Federal Bureau of Prisons state as follows:

18 1. On April 30, 2013, Robert Baker, Jr. pleaded guilty to violating 18 U.S.C. §  
19 2252A(a)(2), Receipt of Child Pornography.

20 2. On January 23, 2014, Mr. Baker was sentenced by the Honorable Kent J. Dawson,  
21 Judge in the United States District Court for the District of Nevada, to 60 months of  
22 imprisonment, with a lifetime term of supervised release.


23 3. Mr. Baker's projected release date is August 20, 2018, via Good Conduct Time  
24 Release.

1           4. Mr. Baker, age 48, has been diagnosed with metastatic colorectal cancer. His  
2 condition is terminal and rapidly deteriorating, and his life expectancy is estimated to be three to  
3 six months.

4           5. If the motion is granted, Mr. Baker will reside with his mother in Las Vegas, Nevada.  
5 The U.S. Probation Office for the District of Nevada has approved the release plan.

6           **WHEREFORE**, it is respectfully requested that the Court reduce the term of  
7 imprisonment to the time the defendant has now served. Pursuant to 18 U.S.C. §  
8 3582(c)(1)(A)(i), the Court, upon motion of the Director of the Bureau of Prisons, may modify  
9 a term of imprisonment upon the finding that “extraordinary and compelling reasons” exist to  
10 warrant a reduction. The defendant’s terminal medical condition and limited life expectancy  
11 constitute “extraordinary and compelling reasons” warranting the requested reduction. The  
12 defendant would not, however, be subject to complete release, as he would begin serving the  
13 lifetime term of supervised release previously imposed by the Court.

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15           Dated this 12th, day of August, 2016.

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18           DANIEL G. BOGDEN  
19           United States Attorney  
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3. Mr. Baker, age 48, has been diagnosed metastatic cancer. His condition is terminal and rapidly deteriorating, and his life expectancy is estimated to be three to six months.

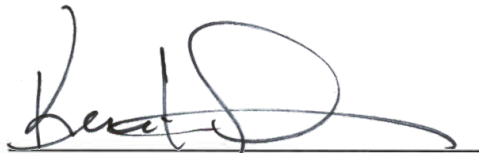
1 4. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the Court, upon motion of the Director  
2 of the Federal Bureau of Prisons, to modify a term of imprisonment upon the finding that  
3 extraordinary and compelling reasons warrant the reduction. The Director of the Federal Bureau  
4 of Prisons contends, and this court agrees, that the defendant's terminal medical condition and  
5 limited life expectancy constitute extraordinary and compelling reasons that warrant the  
6 requested reduction.

7 **IT IS THEREFORE ORDERED** that the defendant's term of imprisonment is hereby  
8 reduced to the time he has already served.

9 **IT IS FURTHER ORDERED** that the defendant shall be released from the custody of  
10 the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is  
11 implemented, and travel arrangements can be made.

12 **IT IS FURTHER ORDERED** that upon his release from the custody of the Federal  
13 Bureau of Prisons, the defendant shall begin serving the lifetime term term of supervised release  
14 previously imposed.

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16 Dated this 15<sup>th</sup> day of August, 2016.

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20 Kent J. Dawson  
21 United States District Judge  
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